

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Civil Action 3:22-CV-_____

State Court Case No:
Mecklenburg County 22-CVS-8781

REBA DEHBI,
Plaintiff,

v.

CITY OF CHARLOTTE, JOHN DOE
I,
Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant City of Charlotte, hereby file this Notice of Removal to remove the captioned action from the General Court of Justice, Superior Court Division, Mecklenburg County, North Carolina, to the United States District Court for the Western District of North Carolina, Charlotte Division. The removal of this civil action is proper because:

1. On or about May 31, 2022, Plaintiff Reda Dehbi (“Plaintiff”) filed an Application and Order Extending Time to File Complaint, which was granted by the Mecklenburg County Clerk of Court. The Order granted Plaintiff until June 20, 2022, to file his Complaint. Plaintiff then filed the Complaint in this matter on or about June 17, 2022. The original action in Mecklenburg County Superior Court is identified as Case No. 22 CVS 8781. Mecklenburg County, North Carolina is within the District of this Court.

2. A copy of the Application and Order Extending Time to File Complaint, Summons and Complaint were received by the City of Charlotte on or about June 20, 2022.

3. A copy of the Application and Order Extending Time to File Complaint Summonses and Complaint and other process, pleadings and orders served in the State Court Action are attached hereto as **Exhibit A**, pursuant to 28 U.S.C. § 1446 (a).

4. The removal is timely filed within thirty (30) days after the City of Charlotte was served with the Summons and Complaint. *See* 28 U.S.C. § 1446(b).

5. Pursuant to 28 U.S.C. § 1331, this Court has jurisdiction over this action because claims raised in the Complaint arise under the Constitution and laws of the United States. Therefore, this action is suitable for removal under 28 U.S.C. § 1441. Specifically, the Plaintiff assert claims against the Defendants arising under 42 U.S.C. § 1983 for alleged violations of Plaintiff's rights under the United States Constitution.

6. Defendant also names a John Doe in this matter as a placeholder.

7. Pursuant to 28 U.S.C. § 1446(d), copies of this Notice will be served upon the adverse party, by and through their noticed attorney, as well as the Clerk of Court of the Superior Court Division of the General court of Justice in Mecklenburg County, North Carolina.

WHEREFORE, the Defendant, having shown that the State Court Action is properly removable under federal question jurisdiction, respectfully request that this Court exercise its jurisdiction over the State Court Action now pending in the General Court of Justice of Mecklenburg County, Superior Court Division, Case No. 22 CVS 8781 and remove the matter in its entirety to this Court, as provided by law.

Respectfully submitted this the 7th day of July, 2022.

OFFICE OF THE CITY ATTORNEY

/s/ Roger A. McCalman

Roger A. McCalman

N.C. Bar # 46243

Assistant City Attorney

Attorney for Defendant City of Charlotte

600 E. Fourth Street, Suite 454

Charlotte, North Carolina 28202-2841

Telephone: (704) 353-0299

Fax: (704) 632-8160

Roger.McCalman@charlottenc.gov

CERTIFICATE OF SERVICE

The undersigned does hereby certify that the foregoing **NOTICE OF REMOVAL** was electronically filed with the Clerk of Court using the CM/ECF system and served in this action by depositing a copy of same in the United States mail, postage prepaid, addressed to Plaintiff's counsel of record:

James E. Ferguson, II
Ferguson, Chambers & Sumter, PA
309 East Morehead Street, Suite 110
Charlotte, NC 28202
Attorney for Plaintiff

This the 7th day of July, 2022.

OFFICE OF THE CITY ATTORNEY

s/Roger A. McCalman

Roger A. McCalman
N.C. Bar # 46243
Assistant City Attorney
Attorney for Defendant City of Charlotte
600 E. Fourth Street
Charlotte, North Carolina 28202-2841
Telephone: (704) 353-0299
Fax: (704) 632-8160
Roger.McCalman@charlottenc.gov

EXHIBIT A